

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHARON GARCIA,

07 CV 4777(LAP)

Plaintiff,

- against -

STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL

THE CITY OF NEW YORK, et al.,

Defendants.
-----X

WHEREAS, plaintiff, SHARON GARCIA, commenced this action by filing a complaint on or about June 5, 2007, alleging that her civil rights were violated; and

WHEREAS, defendant City of New York denies any and all liability arising out of plaintiff's allegations; and

WHEREAS, the plaintiff and defendant now desire to resolve the issues raised in this litigation between them, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, against defendants without costs, expenses, or attorney's fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff SHARON GARCIA the total sum of FOUR THOUSAND AND FIVE HUNDRED DOLLARS (\$4,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff

agrees to the dismissal of all the claims against defendant City of New York, its successors or assigns, and to release defendant, the New York City Police Department and all past and present officials, employees, representatives or agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action, which were or could have been alleged by plaintiff in the complaint in said action, including all claims for attorney's fees, expenses and costs.

3. Plaintiff SHARON GARCIA shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendant that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

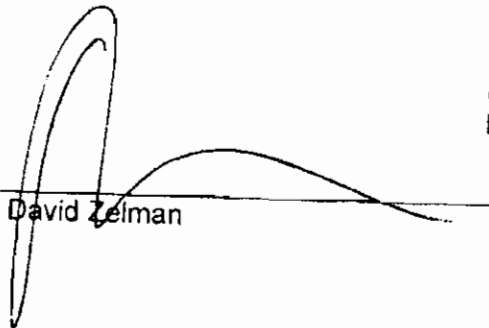
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 14, 2008

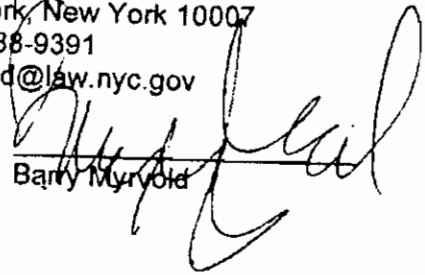
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
By:


David Zelman

By:


Barry Myrvold

SO ORDERED:


Loretta A. Preska, U.S.D.J.

The Clerk of the Court Shall
mark this action closed and all
pending motions denied as moot.

SO ORDERED:


LORETTA A. PRESKA, U.S.D.J.

June 9, 2008